A REMONSTRANCE OR THE DECLARATION OF THE LORDS and COMMONS now Assembled in PARLIAMENT, 26. of *May*. 1642.

In answer to a *Declaration* under His Majesties Name concerning the businesse of *Hull*, sent in a Message to both Houses the 21. of *May*. 1642. According to an Order made in the House of *Commons*, on *Saturday* last. I have examined this Copie with the Originall, and have mended it.

H. Elsy. Cler. Par. D. Com.

Whereunto is added the Nineteen Propositions, made by both Houses of Parliament, to the Kings Majestie, for a Reconciliation of the Differences between His Majestie and the said Houses.

Die Jovis 2. die Junii. 1642.

Jo. Browne Clerick, Parliamentorum.

AS ALSO THE

Declaration of the Lords and Commons in Parliament, concerning His Majesties Proclamation, given at His Court at YORK, the 27. of *May*. 1642.

With the Statute of the 7. *Edw*. 1.

Die Lunæ, Junii. 6. 1642.

Joh. Brown, Clerick Parliament.

LIKEWISE

Nine Propositions and Orders, by the Lords and Commons now assembled in Parliament, for bringing in of Money or Plate to maintaine Horse, Horsmen, and Armes, for the preservation of the publike peace, and for the defence of the King and both Houses of Parliament.

Die Veneris 10. *Junii*, 1642.

Joh. Browne Clerici. Parliament.

AS ALSO

The Oath of the Kings of *England* at their Coronation.

LONDON

Printed by *T. P.* and *M. S.* for *John Owen* in *Breadstreet*, June 18. 1642.

THE THIRD REMONSTRANCE.

ALthough the great affaires of this Kingdom, and the miserable and bleeding condition of the Kingdom of *Ireland*, affords us little leasure to spend our time in Declarations, and in Answers & Replies, yet the malignant party about His Majesty, taking all occasions to multiply Calumnies upon the Houses of *Parliament*, and to publish sharp Invectives under His Majesties Name against them & their proceedings, a new Engine which they have invented to heighten the destruction of this Kingdom, and to beget and increase distrust and disaffection between the King and His *Parliament* and the People. We cannot be so much wanting to our own Innocency, or to the dutie of our Trust, as not to cleere our selves from those false aspersions, and (which is our chiefest care) to disabuse the Peoples minds, and open their eyes, that under the false shews and pretexts of the Law of the Land, and of their own Rights and Liberties, they may not be carried into the Road way, that leadeth to the utter ruine and subversion thereof. A late occasion that these wicked spirits of division have taken to defame, and indeed to arraigne the proceedings of both Houses of *Parliament*, hath been from our Votes of the 28. of *Aprill*, and our Declaration concerning the businesse of *Hull*, which because we put forth, before we could send our Answer concerning that matter unto His Majestie, those mischievous Instruments of dissention, between the King & the Parliament, and the People, whose chiefe labour & study is to misrepresent our Actions to His Majesty and to the Kingdom, would needs interpret this as an appeale to the People, and a declining of all Intercourse between His Majestie and us, as if we thought it to no purpose to endeavour any more to give Him satisfaction, and without expecting any longer our answer, under the name of a Message from His Majestie to both Houses, they themselves have indeed made an Appeale to the people as the Message it selfe doth in a manner grant it to be, offering to joyn issue with us in that way, and in the nature thereof, doth cleerly shew it selfe to be no other. Therefore we shall likewise addresse our Answer to the Kingdom, not by way of appeale (as we are charged) but to prevent them from being their own executioners, and from being perswaded under false colours of defending the Law, and their own Liberties, to destroy both with their own hands, by taking their Lives, Liberties, and Estates, out of their hands whom they have chosen and entrusted therewith, and resigning them up unto some evill Counsellors about His Majestie, who can lay no other foundation of their own greatnesse, but upon the Ruine of this and in it of all Parliaments, and in them of the true Religion, and the freedom of this Nation. And these are the men that would perswade the people, that both Houses of Parliament containing all the Peers, and representing all the Commons of *England*, would destroy the Lawes of the Land and Liberue of the

the people; wherein beſides the moſt of the whole, they themſelves in their own particulars, have ſo great an intereſt of honour and eſtate; That we hope it will gain little credit, with any that have the leaſt uſe of reaſon, that ſuch as muſt have ſo great a ſhare in the miſery, ſhould take ſo much pains in the procuring thereof, and ſpend ſo much time, and run ſo many hazards to make themſelves ſlaves, and to deſtroy the property of their eſtates. But that we may give particular ſatisfaction to the ſeverall imputations caſt upon us, we ſhall take them in order as they are laid upon us in that Meſſage. Firſt, we are charged for the avowing of that act of Sir *John Hotham*, which is termed unparalelled, and an high and unheard of Affront unto his Majeſtie, and as if we needed not to have done it, he being able, as is alledged, to produce no ſuch command of the Houſes of Parliament. Although Sir *John Hotham* had not an Order that did expreſſe every circumſtance of that caſe, yet he might have produced an Order of both Houſes which did comprehend this Caſe, not onely in the cleer intention, but in the very words thereof, which knowing in our Conſciences to be ſo, and to be moſt neceſſarie for the ſafetie of the Kingdom, we could not but in Honour and Juſtice avow that Act of his, which we are confident will appear to all the world to be ſo far from being an affront to the King, that it will be found to have been an act of great loyaltie to His Majeſtie, and to his Kingdom.

The next charge upon us is, that inſtead of giving his Majeſtie ſatisfaction, we publiſhed a Declaration concerning that buſineſſe, as an appeal to the people, and as if our intercourſe with his Majeſtie, and for his ſatisfaction, were now to no more purpoſe, which courſe is alledged to be very unagreeable to the modeſty and duty of former times, and not warrantable by any Preſidents, but what our ſelves have made. If the Penner of this Meſſage had expected a while, or had not expected, that two Houſes of Parliament, (eſpecially burthened as they are at this time with ſo many preſſing and urgent affairs) ſhould have moved as faſt as himſelf, he would not have ſaid, that Declaration was inſtead of an Anſwer to His Majeſtie, which we did diſpatch with all the ſpeed and diligence we could, and have ſent it to His Majeſtie by a Committee of both Houſes, whereby it appears that we did it not upon that ground, that we thought it was no more to any purpoſe to endeavour to give his Majeſtie ſatisfaction. And as for the duty and modeſty of former times from which we are ſaid to have varied, and to want the warrant of any Preſidents therein, but what our ſelves have made: but if we have made any Preſidents this Parliament, we have made them for poſterity, upon the ſame or better grounds of reaſon and Law then thoſe were upon which our Predeceſſors firſt made any for us, and as ſome Preſidents ought not to be rules for us to follow; ſo none can be limits to bound our proceedings, which may and muſt vary according to the different condition of times, and for this particular of ſetting forth Declarations for the ſatisfaction of the people, who have choſen and entruſted us with all that is deareſt to them, if there be no example for it, it is becauſe there were never any ſuch Monſters before that, ever attempted to diſaffect the people from a Parliament, or could ever harbour a thought that it might be effected; were there ever ſuch practiſes to poyſon the people with an ill apprehenſion of the Parliament, were there ever ſuch imputations and ſcandals laid upon the proceed-

ings of both Houſes; were there ever ſo many, and ſo great breaches of priviledge of Parliament, were there ever ſo many, and ſo deſperate deſignes of force and violence againſt the Parliament, and the Members thereof. If we have done more than ever our Anceſtors have done, we have ſuffered more than ever they have ſuffered, and yet in point of modeſty and duty we ſhall not yeeld to the beſt of former times, and we ſhall put this in iſſue, whether the higheſt and moſt unwarrantable preſidents of any of His Maieſties Predeceſſors, do not fall ſhort and much below what hath been done unto us this Parliament; And on the other ſide, whether if we ſhould make the higheſt Preſidents of other Parliaments our patterns, there would be cauſe to complain of want of modeſtie and duty in us, when we have not ſo much as ſuffered ſuch things to enter into our thoughts, which all the world knows they have put in act.

Another Charge which is laid very high upon us (and which were indeed a very great Crime if we were found guilty thereof) is that by avowing this act of Sir *John Hotham*, we do in Conſequence confound and deſtroy the title and Intereſt of all his Majeſties good ſubjects to their lands and goods, and that upon this ground, That his Maieſtie hath the ſame title to his town of *Hull*, which any of his ſubiects have to their houſes or lands, and the ſame to his Magazin and Munition there, that any man hath to his money, plate, or Jewels; and therefore that they ought not to have been diſpoſed of without or againſt his conſent, no more then the houſe, land, money, plate, or Jewels, of any ſubiect ought to be without or againſt his will.

Here that is laid down for a Principle which would indeed pull up the very foundation of the liberty, property and intereſt of every ſubiect in particular, and of all the ſubiects in generall, if we ſhould admit it for a truth that his Maieſtie hath the ſame right and Title to his Towns and to his Magazin (bought with the publique moneys as we conceive that at *Hull* to have been) that every particular man hath to his houſe, lands, and goods; for his Maieſties towns are no more his own, then his Kingdom is his own, and his Kingdom is no more his own, then his people are his own; and if the King had a propriety in all his Towns, what would become of the ſubiects propriety in their houſes therein, and if he had a propriety in his Kingdom, what would become of the ſubiects propriety in their lands throughout the Kingdom; or of their liberties, if his Maieſtie had the ſame right in their perſons, that every ſubiect hath in their lands, or goods: and what ſhould become of the ſubjects intereſt in the Towns and Forts of the Kingdom, and in the Kingdom it ſelf, if his Majeſtie might ſell or give them away, or diſpoſe of them at his pleaſure, as a particular man may do with his Lands and with his Goods. This erronious maxime, being infuſed into Princes that their Kingdoms are their own, and that they may do with them what they will (as if their Kingdoms were for them, and not they for their Kingdoms) is the Root of all the ſubjects miſery, and of the Invading of their juſt Rights and Liberties; whereas indeed they are onely intruſted with their Kingdoms, and with their Towns, and with their people, and with the publique Treaſure of the Common-wealth, and whatſoever is bought therewith, and by the known Law of this Kingdom: the very Jewels of the Crown are not the Kings proper goods, but are onely intruſted to him for the uſe and ornament thereof. As the Towns, Forts, Treaſure, Maga-

zine,

zin, Offices and people of the Kingdom, and the whole Kingdom it ſelfe is intruſted unto him for the good and ſafety and beſt advantage thereof. And as this truſt is for the uſe of the Kingdom; ſo ought it to be managed by the advice of the Houſes of Parliament, whom the Kingdom hath truſted for that purpoſe; it being their duty to ſee it be diſcharged according to the condition and true intent thereof, and as much as in them lies by all poſſible means to prevent the contrary: Which if it hath been their chiefe care and onely ayme in the diſpoſing of the Town and Magazine of *Hull*, in ſuch manner as they have done, they hope it will appeare clearly to all the world, that they have diſcharged their owne truſt, and not invaded that of His Majeſties, much leſſe his property which in this caſe they could not doe.

But admitting His Majeſtie had indeed had a propertie in the Towne and Magazin of *Hull*, who doubts but that a *Parliament* may diſpoſe of any thing wherein His Majeſty or any Subjects hath a right, in ſuch a way, as that the Kingdom may not be expoſed to hazard or danger thereby, which is our caſe in the diſpoſing of the Town and Magazine of *Hull*. And whereas His Majeſty doth allow his and a greater power to a Parliament, but in that ſenſe onely as he himſelf is a part thereof, we appeal to every mans Conſcience that hath obſerved our proceedings, whether we diſjoyned His Majeſtie from His Parliament, who have in all humble wayes ſought his Concurrence with us, as in this particular about *Hull*, and for the removall of the Magazine there, ſo alſo in all other things, or whether theſe evill Counſels about him have not ſeparated him from His *Parliament*, not only in diſtance of place, but alſo in the diſcharge of this joynt truſt with them for the peace and ſafetie of the Kingdom in this and ſome other particulars.

We have given no occaſion to His Majeſtie to declare His reſolution with ſo much earneſtneſſe, that he will not ſuffer either or both Houſes by their Votes without or againſt His conſent to enjoyn any thing that is forbidden by the *Law*, or to forbid any thing that is enjoyned by the Law. For our Votes have done no ſuch thing, and as we ſhall be very tender of the Law (which we acknowledge to be the ſafeguard and cuſtody of all publick and private Intereſſes) ſo we ſhall never allow a few private Perſons about His Majeſtie, nor His Majeſty Himſelfe in His own Perſon & out of His Courts to be Judge of the Law, and that contrary to the judgement of the higheſt Court of Judicature: In like manner that His Majeſtie hath not refuſed to conſent to any thing that might be for the peace and happines of the Kingdom, we cannot admit it in any other ſenſe, but as His Majeſtie taketh the meaſure of what will be for the peace and happineſſe of the Kingdome from ſome few ill affected perſons about him, contrary to the advice and judgement of His great Councell of Parliament. And becauſe the Advice of both Houſes of Parliament hath through the ſuggeſtions of evill Councellors been ſo much undervalued of late, and ſo abſolutely rejected and refuſed, wee hold it fit to declare unto the Kingdome (whoſe honour and intereſt is ſo much concerned in it) what is the priviledge of the great Councell of Parliament herein, and what is the Obligation that lyeth upon the Kings of this Realme to paſſe ſuch Bils as are offered unto them by both Houſes of Parliament, in the name, and for the good of the whole Kingdome, whereunto they ſtand ingaged both in conſcience and in juſtice

to give their royall assent; In conscience, in respect of the Oath that is or ought to be taken by the KINGS of this Realme at their CORONATION, as well to confirme by their Royall assent such good Lawes as their people shall choose, and to remedy by Law such inconveniences as the Kingdom may suffer, as to keepe and protect the Lawes already in being, as may appeare both by the forme of the Oath upon Record, and in bookes of good Authoritie, and by the Statute of the 25. *Edw.* 3. entituled the Statute of Provisors of Benefices, the forme of which Oath, and the cause of that Statute concerning are as followeth.

Rot. Parl. 1 *H.* 4. N. 19. 2.

Forma juramenti solita & consueta præstari, per Reges Angliæ in eorum Coronatione.

Servabis Ecclesiæ Dei, Cleroq; & populo pacem ex integro & concordiam in Deo secundum vires tuas?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis equam & rectam justitiam & discretionem in misericordia & lenitate secundum vires tuas?

Respondebit, Faciam.

Concedis justas leges & consuetudines esse tenendas & permittis per te eas esse protegendas & ad honorem Dei corroborandas quas vulgus elegerit secundum vires tuas?

Respondebit, Concedo & permitto.

Adjicianturq; prædictis interrogationibus quæ justa fuerint, pernunciat isq; omnibus confirmet Rex se omnia servaturum sacramento super altare præstito coram cunctis.

A Clause in the Preamble of a Statute made 25. *Edw.* 3. Entituled the Statute of Provisors of Benefices.

Whereupon the said Commons have prayed our said Lord the King, that sith the right of the Crowne of *England*, and the Law of the said Realme is such, that upon the mischiefes and damages which happen to his Realme, he ought, and is bound by his Oath, with the accord of his people in his Parliament, thereof to make remedy and Law, and in removing the mischiefes and damages which thereof ensue, that it may please him thereupon to ordaine remedy.

Our Lord the King seeing the mischiefes and damages before-mentioned, and having regard to the said Statute, made in the time of his said Grandfather, and to the causes contained in the same, which Statute holdeth alwayes his force, and was never defeated, repealed, nor admulled in any point, and by so much he is bounden by his Oath to cause the same to be kept as the Law of his Realme, though that by sufferance and negligence it hath been sithence attempted to the contrary, also having regard to the grievous complaints made to him by his people in divers His Parliaments holden heretofore, willing to ordaine remedy for the great damages and mischiefes which have hapned, and daily do happen to the Church of *England* by the said cause.

Here the Lords and Commons claime it directly as the right of the Crowne of *England*, and of the Law of the Land, and that the King is bound by his Oath, with the accord of his people in Parliament to make remedy and Law upon the mischiefes and damages which happen to this Realme, and the King doth not deny it, although he take occasion from a Statute formerly made by his Grandfather,

then, which was laid as part of the grounds of this Petition, to frame his Answer upon another branch of his Oath, and pretermits that which is claimed by the Lords and Commons, which he would not have done if it might have been excepted against.

In justice they are obliged thereunto in respect of the trust reposed in them, which is as well to preserve the Kingdome by the making of new Lawes where there shall be need, as by the observing of Lawes already made. A Kingdome being many times as much exposed to ruine for the want of a new Law, as by the violation of those that are in being. And this is so cleare a right, that no doubt His Majesty will acknowledg it to be as due unto his people as his protection; but how far forth he is obliged to follow the judgement of his Parliament therein, that is the question. And certainly, besides the words in the Kings Oath, referring unto such Lawes as the people shall choose, as in such things which concerne the Publique Weale and good of the Kingdome, they are the most proper Judges who are sent from the whole Kingdome for that very purpose, so wee doe not finde than since Lawes have passed by way of Bills (which are read thrice in both Houses, and committed, and every part and circumstance of them fully weighed and debated upon the commitment, and afterwards passed in both Houses) that ever the Kings of this Realme did deny them otherwise then is expressed in that usuall Answer, *Le Roy s'avisera*, which signifies rather a suspension then a refusall of the Royall assens, and in those other Lawes which are framed by way of Petitions of Right, the Houses of Parliament have taken themselves to be so far Judges of the Rights claimed by them, that when the Kings answer hath not in every point been fully according to their desire, they have still insisted upon their claime, and never rested satisfied till such time as they had an answer according to their owne demand, as was done in the late Petition of Right, and in former times upon the like occasion, and if the Parliament be Judge between the King and his people in the Question of Right (as by the manner of the claime in Petitions of Right, and by Judgements in Parliament, in Cases of illegall Impositions and Taxes, and the like it appeareth to be) why should they not be so also in the question of the common good, and necessitie of the Kingdome, wherein the Kingdome hath as cleere a right also to have the benefit and remedy of Law, as in any thing whatsoever, and yet we doe not deny but in private Bills, and also in publick Acts of Grace, as Pardon, and the like grants of favour, His Majestie may have a greater latitude of granting or denying as he shall thinke fit.

All this considered, we cannot but wonder that the Contriver of this Message, should conceive the people of this Land to be so voyd of common sense, as to enter into so deep a mistrust of those that they have, and his Majesty ought to repose so great a trust in, as to despaire of any securitie in their private Estates, by Discents, Purchases, Assurances, or Conveyances, unlesse His Majesty should by his Vote prevent the prejudice they might receive therein, by the Votes of both Houses of Parliament; As if they who are especially chosen and entrusted for that purpose, and who themselves must needs have so great a share in all grievances of the Subject, had wholly cast off all care of the Subjects good, and His Majesty had solely taken it up; And as if it could be imagined that they should by their Votes overthrow the rights of Discents, Purchases, or of any Conveyance or Assurance, in whose

whose judgement the whole Kingdom hath placed all their particular Interesses, if any of them should be called in question in any of those Cases, & that (as knowing not where to place them with greater securitie) without any appeal from them to any other person or Court whatsoever.

But indeed we are very much to seek how the case of *Hull* should concern Discents, and Purchases, or Conveyances, and Assurances, unlesse it be in procuring more securitie to men in their private Interesses by the preservation of the whole from confusion and destruction, and much lesse do we understand how the Soveraign Power was resisted and despised therein; Certainly no command from His Majestie, and his high Court of Parliament (where the Soveraign Power resides) was disobeyed by Sir *John Hotham*, nor yet was his Authoritie derived out of any other Court, nor by any legall Commission, or by any other way, wherein the Law hath appointed His Majesties commands to be derived to His Subjects, and of what validitie his verball Commands are, without any such stamp of his Authoritie upon them, and against the Order of both Houses of Parliament, whether the not submitting thereunto be a resisting and despising of the Soveraign Authority, we leave it to all men to judge, that do at all understand the government of this Kingdom.

We acknowledge that His Majestie hath made many expressions of his zeal and intentions against the desperate designes of Papists, but yet it is also as true, that the Counsels which have prevailed of late with him, have been little suitable to those expressions and intentions: For what doth more advance the open and bloody designe of the Papists in *Ireland*, (whereon the secret plots of the Papists here, do in likelihood depend) then His Majesties absenting himself, in that manner that he doth from his Parliament, and setting forth such sharp Invectives against them, notwithstanding all the humble Petitions, and other means which his Parliament hath addressed unto him for his return, and for his satisfaction concerning their proceedings. And what was more likely to give a rise to the designes of *Papists*, (whereof there are so many in the North neer to the Town of *Hull*) and of other malignant and ill-affected persons, which are ready to joyn with them, or to the attempts of forrainers from abroad, than the continuing of that great Magazin at *Hull* at this time, and contrary to the desire and advice of both Houses of Parliament; So that we have too much cause to beleeve that the *Papists* have still some way and means, whereby they have influence upon His Majesties Councels for their own advantage.

For the malignant party His Majestie needeth not a definition of the Law, nor yet a more full Character of them from both Houses of Parliament for to find them out; if he will please onely to apply the Character that himself hath made of them to those unto whom it doth properly and truly belong, who are so much disaffected to the peace of the Kingdom, as they that endeavour to disaffect His Majestie from the Houses of Parliament, and perswade him to be at such a distance from them both in place and affection. Who are more dis-affected to the government of the Kingdom, than such as lead his Majestie away from hearkning to his Parliament, which by the constitution of this Kingdom is his greatest and best Councel, and perswade him to follow the malicious counsels of some private men, in opposing and contradicting the wholsome advices, and just proceedings of that

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his moſt faithfull Councell and higheſt Court? Who are they that not onely neglect and deſpiſe, but labour to undermine the Law, under colour of maintaining of it. But they that endeavour to deſtroy the fountain and Conſervatory of the Law, which is the Parliament; and who are they that ſet up other Rules for themſelves to walk by, then ſuch as are according to Law, but they that will make other Judges of the Law, then the Law hath appointed, and ſo diſpence with their obedience, to that which the Law calleth Authority, and to their determinations and reſolutions to whom the Judgement doth appertain by Law: For when private perſons ſhall make the Law to be their Rule, according to their own underſtandings, contrary to the judgement of thoſe that are competent Judges thereof; they ſet up unto themſelves other Rules than the Law doth acknowledge: Who theſe perſons are, none knoweth better than his Majeſty himſelf: And if he will pleaſe to take all poſſible caution of them, as deſtructive to the Common-wealth and himſelf, and would remove them from about him, it would be the moſt effectual means to compoſe all the diſtractions, and to cure the diſtempers of this Kingdom.

For the Lord *Digby* his letter, we did not make mention of it as a ground to hinder his Majeſtie from viſiting his own fort, but we appeal to the judgement of any indifferent man that ſhall read that Letter, and compare with the poſture that his Majeſtie then did, and ſtill doth ſtand in, towards the Parliament, and with the circumſtances of that late action of his Majeſtie, in going to *Hull*, whether the Adviſor of that journey, intended onely a viſit of that Fort and Magazin? as to the wayes and overtures accommodation, and the meſſage of the 20 of January laſt, ſo often preſſed, but ſtill in vain, as is alledged. Our Anſwer is, that although ſo often as the 20 of January hath been preſſed, ſo often have our priviledges been cleerly infringed; that a way and method of proceeding ſhould be preſcribed unto us, as well for the ſetling of his Majeſties Revenue, as for the preſenting of our deſires (a thing which in former Parliaments hath alwayes been accepted againſt as a breach of priviledge) yet in reſpect of the matter contained in that meſſage, and out of our earneſt deſire to beget a good underſtanding between his Majeſtie and us, we ſwallowed down all matters of circumſtance, and had ere this time preſented the chief of our deſires to his Majeſtie, had we not been interrupted with continuall Denials even of thoſe things that were neceſſary for our preſent ſecuritie and ſubſiſtance, and had not thoſe denials been followed with perpetual Invectives againſt us and our proceedings, and had not thoſe Invectives been heaped upon us ſo thick one after another, (who were already in a manner wholly taken up with the preſſing affairs of this Kingdom, and of the Kingdom of *Ireland*) that as we had little encouragement from thence to hope for any good Anſwer to our deſires, ſo we had not ſo much time left us to perfect them in ſuch a manner as to offer them unto his Majeſtie.

We confeſſe it is a Reſolution moſt worthy of a Prince, and of his Majeſtie, to ſhut his eares againſt any that would incline him to a civill War, and to abhor the very apprehenſion of it, but we cannot beleeve that mind to have been in them that came with his Majeſtie to the Houſe of *Commons*, or in them that accompanied his Majeſtie to *Hampton* Court, and appeared in a warlike manner at *Kingſton* upon Thames, or in divers of them that followed his Majeſtie now lately to *Hull*,

or in them that after drew their Swords at *York*, demanding who would be for the King, nor in them that adviſed his Majeſty to declare Sir *John Hotham* a Traytor before the Meſſage was ſent concerning that buſineſſe to the Parliament, or to make Propoſitions to the Gentlemen of the County of *York*, to aſſiſt his Maieſtis to proceed againſt him in a way of force before he had or poſſible could receive an Anſwer from the Parliament, to whom he had ſent to demand Juſtice of them againſt Sir *John Hotham* for that Fact; and if thoſe Malignant ſpirits ſhall ever force us to defend our Religion, the Kingdom, the Priviledges of Parliaments, and the Rights and Liberties of the Subjects, with our ſwords, the blood and deſtruction that ſhall enſue thereupon, muſt be wholly caſt upon their account, God and our own conſciences tell us that we are clear, and we doubt not but God and the whole world will clear us therein.

For Captain *Legg* we did not ſay that he was accuſed, or that there was any charge againſt him for the bringing up of the Army, but that he was imployed in that buſineſſe. And for that queſtion concerning the Earl of *New Caſtle* mentioned by his Majeſty, which is ſaid to have been asked long ſince, and that is not eaſie to be anſwered; We conceive that it is a queſtion of more difficulty and harder to be anſwered: Why, when his Majeſtie held it neceſſarie, upon the ſame grounds that firſt moved from the Houſes of Parliament; That a Governour ſhould be placed in that Town, Sir *John Hotham* a Gentleman of known Fortune and Integrity, and a perſon of whom both Houſes of Parliament had expreſſed their confidence, ſhould be refuſed by his Majeſtie, and the Earl of *New Caſtle* (who by the way was ſo far named in the buſineſſe of the bringing up of the Army, that although there was not ground enough for a judiciall proceeding, yet there was ground of ſuſpition, at leaſt his repuration was not left ſo unblemiſhed thereby, as that he ſhould be thought the fitteſt man in *England* for that imployment of *Hull*) ſhould be ſent down in a private way from his Majeſtie to take upon him the Government, and why he ſhould diſguiſe himſelf under another name when he came thither, as he did. But whoſoever ſhall conſider, together with theſe circumſtances; that of the time when Sir *John Hotham* was firſt appointed by both Houſes of Parliament to take upon him that imployment, which was preſently after his Majeſties coming to the Houſe of *Commons*, and upon the retyring of himſelf to *Hampton Court* and the L. *Digbies* aſſembling of Cavaliers at *Kingſton* upon *Thamis*, will find reaſon enough why that Town of *Hull* ſhould be committed rather to Sir *John Hotham* by the authoritie of both Houſes of Parliament, then to the Earl of *New Caſtle*, ſent from his Majeſtie in that manner that he was. And for the power that Sir *John Hotham* hath from the Houſes of Parliament, the better it is known and underſtood; we are confident the more it will be approved of and juſtified: And as we do not conceive that his Majeſties refuſall to have that Magazin removed could give any advantage againſt him to have it taken from him, and as no ſuch thing is done, ſo we cannot conceive for what other reaſon any ſhould counſell his Majeſty not to ſuffer it to be removed, upon the deſire of both Houſes of Parliament, except it be that they had an intention to make uſe of it againſt them.

We did not except againſt thoſe that preſented a Petition to His Majeſtie at *York* for the continuance of the Magazine at *Hull*, in reſpect of their condition, or

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in respect of their number, because they were meane persons, or because they were few; but because they being but few, and there being so many more in the County of as good qualitie as themselves (who have by their Petition to His Majestie disavowed that act of theirs) that they should take upon them the stile of all the Gentry and Inhabitants of that County, and under that title should presume to interpose their advice contrary to the Votes of both Houses of Parliament; and if it can be made to appeare, that any of these Petitions that are said to have been presented to the Houses of Parliament, and to have been of a strange nature, were of such a nature as that we are confident that they were never received without consent and approbation.

Whether there was an intention to deprive Sir *John Hotham* of his life, if his Majesty had been admitted into *Hull*, and whether the information were such, as that he had ground to beleeve it, we will not bring it into question; for that was not, nor ought to have been the ground for doing what he did, neither was the number of His Majesties Attendants, for being more or fewer, much considerable in this case: For although it be true, that if His Majesty had entred with twentie Horse onely, he might haply have found means for to have forced the entrance of his Traine, who being once in the Towne, would not have been long without Arms; yet that was not the ground that Sir *John Hotham* was to proceed upon, but upon the admittance of the King into the Town at all, so as to deliver up the Towne and Magazin unto him, and to whomsoever he should give the command thereof, without the knowledge and consent of both Houses of Parliament, by whom he was entrusted to the contrary; and His Majesty having declared that to be his intention concerning the Town, in a Message that he sent to the Parliament not long before he went to *Hull*, saying, That he did not doubt but that Town should be delivered up to him whensoever he pleased, as supposing it to be kept against him; and in like manner concerning his Magazin, in his Message of the foure and twentieth of *Aprill*, wherein it is expressed, That His Majestie went thither with a purpose to take into his hands the Magazine, and to dispose of it in such manner as he should think fit; Upon these termes Sir *John Hotham* could not have admitted His Majestie, and have made good his trust to the Parliament, though his Majestie would have entred alone, without any attendance at all of his owne, or of the Prince, or Duke, his sons, which we do not wish to be lesse than they are in their number, but could heartily wish that they were generally better in their conditions.

In the close of this Message, His Majestie states the case of *Hull*, and thereupon inferreth that the act of Sir *John Hotham* was levying of war against the King, and consequently that it was no lesse then high Treason, by the Letter of the Statutes of 25. *Edw. 3. cap.* 2. unlesse the sence of that Statute be very far differing from the Letter thereof.

In the stating of this Case, divers particulars may be observed, wherein it is not rightly stated: As first, That His Majesties going to *Hull* was onely an endeavour to visit a Town and Fort of his; whereas it was indeed to possesse himselfe of the Town & Magazin there, and to dispose of them as he himself should think good, without and contrary to the Advices and Orders of both Houses of Parliament,

as doth cleerly appear by his Majesties own Declaration of his intentions therein, by his Messages to both Houses immediately before and after that journey. Nor can we beleeve that any man that shall consider the circumstances of that journey to *Hull*, can think that His Majestie would have gone thither at that time, and in that posture, that he was pleased to put himselfe in towards the Parliament, if he had intended onely a visit of the Towne and Magazine. Secondly, it is said to be His Majesties own Town, and his own Magazine: which being understood in that sence as was before expressed, as if his Majesty had a private interest of proprietie therein, we cannot admit it to be so. Thirdly, (which is the main point of all) Sir *John Hotham* is said to have shut the gates against his Majesty, and to have made resistance with armed men in defiance of his Majesty; whereas it was indeed in obedience to his Majesty and his authority, and for his service, and the service of the Kingdome, for which use onely all that interest is that the King hath in the Town; and it is no further his to dispose of, then he useth it for that end: And Sir *John Hotham* being commanded to keep the Town and Magazine for his Majestie and the Kingdom, and not to deliver them up, but by his Majesties authoritie signified by both Houses of Parliament, all that is to be understood by those expressions of his denying and opposing his Majesties entrance, and telling him in plaine terms he should not come in, was onely this, That he humbly desired his Majestie to forbeare his entrance, till he might acquaint the Parliament, and that his authoritie might come signified to him by both Houses of Parliament, according to the trust reposed in him. And certainly if the Letter of the Statute of 25. *Ed.* 3. *cap.* 2. be thought to import this, that no war can be levied against the King, but what is directed and intended against his person; or that every levying of forces for the defence of the Kings authority, & of his Kingdom, against the personall commands of the King opposed thereunto, though accompanied with his presence, is levying war against the King, it is very far from the sense of that Statute; and so much the Statute it selfe speaks) besides the authoritie of Book-causes, Presidents of divers Traytors condemned upon that interpretation thereof:) For if the Clause of levying of war had been meant onely against the Kings person, what need had there been thereof, after the other branch of Treason in the same Statute of compassing the Kings death, which would necessarily have implyed this; and because the former clause doth imply this, it seems not at all to be intended in this latter branch, but onely the levying of war against the King, that is, against his Laws and Authoritie, but in the maintenance thereof, is no levying of war against the King, but for him. Here is then our case; In a time of so many successive plots and designes of force against the Parliament and Kingdom; in a time of probable invasion from abroad, and that to begin at *Hull*, and to take the opportunitie of seizing upon so great a Magazine there; In a time of so great distance and alienations of his Majesties affections from his Parliament, and in them from his Kingdom, which they represent, by the wicked suggestions of a few Malignant persons, by whose mischevous councels he is wholly led away from his Parliament, and their faithfull advices and counsels; In such a time, the Lords and Commons in Parliament command Sir *John Hotham* to draw in some of the trained Bands of the parts adjacent to the Town of *Hull*, for the securing of that Towne and Magazine, for the ser-

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vice of his Majesty and of the Kingdom; of the safety whereof there is a higher trust repoſed in them then any where elſe, and they are the proper Judges of the danger thereof.

This Town and Magazine being entruſted to Sir *John Hotham* with expreſſe order not to deliver them up, but by the Kings authoritie ſignified by both Houſes of Parliament; his Majeſtie, contrary to the advice and direction of both Houſes of Parliament, without the authoritie of any Court, or of any legall way wherein the Law appoints the King to ſpeake and command, accompanied with the ſame evill Councell about him that he had before, by a verball command requires Sir *John Hotham* to admit him into the Towne, that he might diſpoſe of it, and of the Magazine there, according to his own, or rather according to the pleaſure of thoſe evill Counſellours, which are ſtill in ſo much credit about him: in like manner as the Lord *Digby* hath continuall recourſe unto, and continuance from the Queenes Majeſty in *Holland*, by which means he hath opportunitie ſtill to communicate his trayterous ſuggeſtions and conceptions to both their Majeſties, ſuch as thoſe were concerning his Majeſties retyring to a place of ſtrength, and declaring himſelf, and his own advancing of his Majeſties ſervice in ſuch a way beyond the Seas, and after that reſorting to his Majeſty in ſuch a place of ſtrength; & divers other things of like nature, contained in his Letter to the Queens Majeſty, and to Sir *Lewes Dives*, a perſon that had not the leaſt patt in this late buſineſſe of *Hull*, and was preſently diſpatcht away into *Holland*, ſoone after his Majeſties returne from *Hull*, for what purpoſe we leave the world to judge.

Upon the refuſall of Sir *John Hotham* to admit his Majeſtie into *Hull*, preſently without any due proceſſe of Law, before His Majeſtie had ſent up the narration of his act to the Parliament, he was proclaimed traytour; and yet it is ſaid, that therein there was no violation of the Subjects right, nor any breach of the Law, nor of the priviledge of Parliament; though Sir *John Hotham* be a Member of the Houſe of Commons: And that his Majeſtie muſt have better reaſon than bare Votes to beleeve the contrary. Although the Votes of the Lords and Commons in Parliament being the great Councell of the Kingdom, are the reaſon of the King and of the Kingdom, yet theſe Votes do not want clear and apparent reaſon for them: For if the ſolemn proclaiming a man a Traytour, ſignifie any thing, it puts a man, and all thoſe that any way ayde, aſſiſt, or adhere unto him, into the ſame condition of Traytours, and draws upon him all the conſequences of Treaſon; and if this may be done by Law, without due proceſſe of Law, the Subject hath a very poore defence of the Law, and a very ſmall, if any portion of libertie thereby: and it is as little ſatisfaction to a man that ſhall be expoſed to ſuch penalties, by that declaration of him to be a Traytour, to ſay he ſhall have a Legall tryall afterwards, as it is to condemn a man firſt, and try him afterwards: And if there be a neceſſitie for any ſuch proclaiming a man a Traytour without due proceſſe of Law, yet there was none in this caſe; For his Majeſty might have as well expected the Juſtice of the Parliament, which was the right way, as he had leiſure to ſend to them to demand Juſtice againſt Sir *John Hotham*. And the breach of Priviledge of Parliament in this caſe as the ſubverſion of the Subjects common right: For though the Priviledges of Parliament do extend to thoſe caſes mentioned in the Declaration of Treaſon,

Felony, and breach of the peace, so as to exempt the Members of Parliament from punishment, not from all manner of Proceſſe and tryall, as it doth in other caſes, yet it doth priviledge them in the way and method of their tryall and punishment, and that the Parliament ſhould have the cauſe firſt brought before them, that they may judge of the fact, and of the grounds of the accuſation, and how far forth the manner of their tryall may concern or not concern the Priviledge of Parliament: otherwiſe it would be in the power not onely of his Majeſty, but of every private man, under pretenſions of Treaſons, or thoſe other crimes, to take any man from his ſervice in Parliament, and ſo as many one after another as he pleaſeth, and conſequently to make a Parliament what he will, when he will, which would be a breach of ſo eſſentiall a priviledge of Parliament, as that the very being thereof depends upon it: and therefore we no wayes doubt, but every one that hath taken the Proteſtation, will according to his ſolemn Vow and Oath, defend it with his life and fortunes. Neither doth the ſitting of a Parliament, ſuſpend all or any Law, in maintaining that Law which upholds the Priviledge of Parliament, which upholds the Parliament, which upholds the Kingdom; And we are ſo far from beleeving that his Majeſty is the onely perſon againſt whom treaſon cannot be committed, that is ſome ſence wee acknowledge he is the onely perſon againſt whom it can be committed; that is, as he is King, and that Treaſon which is againſt the Kingdom is more againſt the King, then that which is againſt his Perſon, becauſe he is King: For that very Treaſon is not Treaſon, as it is againſt him as a man, but as a man that is a King; and as he hath relation to the Kingdom, and ſtands as a perſon entruſted with the Kindom, and diſcharging that truſt. Now the caſe is truly ſtated, and all the world may judge where the fault is, although we muſt avow that there can be no competent Judge of this or any the like caſe but a Parliament, and we are as confident, that his Majeſty ſhall never have cauſe to reſort to any other Court or Courſe, for the vindication of his juſt Priviledges, and for the recovery and maintenance of his known and undoubted Rights, if there ſhould be any Invaſion or violation thereof, than to his high Court of Parliament. And in caſe wicked Counſellours about him ſhall drive him into any other courſe from and againſt his Parliament, what ever are his Majeſties expreſſions and intentions, wee ſhall appeal to all mens conſciences, and deſire that they would lay their hands upon their hearts, and think with themſelves, whether ſuch perſons as have of late and ſtill doe reſort to his Majeſty, and have his care and favour moſt, either have been or are more zealous Aſſertors of the true Proteſtant profeſſion (although we beleeve they are more earneſt in the Proteſtant profeſſion, then in the Proteſtant Religion) or of the Law of the Land, the Liberty of the Subject, and the Priviledges of the Parliament, then the Members of both Houſes of Parliament, who are inſinuated to be the Deſertors, if not the Deſtroyers of them: And whether if they could maſter this Parliament by force, they would not hold up the ſame power to deprive us of all Parliaments, which are the ground and pillar of the Subjects Liberty, and that which maketh *England* onely a free Monarchy.

For the Order of Aſſiſtance to the Committees of both Houſes, as they have no directions or inſtructions, but what have the Law for their Limits, and the ſafetie of the Land for their ends; ſo we doubt not but all perſons mentioned in that Order,

der, and all his Majesties good Subjects will yeeld obedience to his Majesties Authoritie signified therein by both Houses of Parliament: And that all men may the better know their duty in matters of that nature, and upon how sure a ground they go that follow the judgement of Parliament for their guide, we wish them judiciously to consider the true meaning and ground of that Statute made in the 11. yeer of *Hen.* 7. cap. 1. which is printed at large in the end of his Majesties Message of the fourth of *May*. This Statute provides, that none that shall attend upon the King, and do him true Service, shall be attainted or forfeit any thing: What was the scope of this Statute? To provide that men should not suffer as Traytors for serving the King in his Wars according to the duty of their Allegiance: If this had been all, it had been a very needlesse and ridiculous Statute: Was it then intended (as they may seem to take the meaning of it to be, that caused it to be printed after his Majesties Message,) that they should be free from all crime and penalty that should follow the King and serve him in War in any case whatsoever, whether it were for or against the Kingdom, and the Laws thereof? That cannot be, for that could not stand with the duty of their Allegiance, which in the beginning of this Statute is expressed to be, to serve the King for the time being in his Wars, for the defence of Him and the Land; and therefore if it be against the Land, (as it cannot be understood to be otherwise if it be against the Parliament, the representative body of the Kingdom,) It is a declining from the duty of Allegiance, which this Statute supposeth may be done, though men should follow the Kings Person in the War: Otherwise there had been no need of such a Proviso in the end of this Statute, that none should take benefit thereby that should decline from the Allegiance. That therefore which is the Principall Verb in this Statute, is the serving of the King for the time being; which cannot be meant of a *Perkin Warbeck*, or any that should call himself King; but such a one as whatever Title might prove, either in himself or in his Ancestors, should be received and acknowledged for such by the Kingdom; the consent whereof cannot be discerned but by Parliament; the Act whereof is the Act of the whole Kingdom by the personall suffrage of the Peers, and the delegate consent of all the *Commons* in *England*. And *Hen.* 7. a wise King, considering that what was the Case of *R.* 3. his Predecessor, might by chance of battell be his own, and that he might at once by such a Statute as this, satisfie such as had served his Predecessor in his Wars; and also secure those that should serve him, who might otherwise fear him in his Wars, lest by chance of Battell that might happen to him also (if a Duke of *York* had set up a Title against him) which had happened to his Predecessor: he procured this Statute to be made, that no man should be accounted a Traytor for serving the King in his Wars for the time being; that is, which was for the present allowed and received by the Parliament in behalf of the Kingdom; and as it is truly suggested in the Preamble of the Statute. It is not agreeable to reason or conscience that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the judgement of the highest Court should not be a Rule and guide to them: and if the judgement thereof should be followed, where the question is who is King? Much more, what is the best service of the King and Kingdom, and therefore those that shall guide themselves by the judgement of Parliament, ought what ever happen

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to be ſecure and free from all account and penalties, upon the grounds and equitie of this very Statute.

We ſhall conclude, that although thoſe wicked Councellors about His Majeſty, have preſumed under his Majeſties name to put that diſhonour and affront upon both Houſes of Parliament, as to make them the countenancers of Treaſons enough to have diſſolved all the bands, ſinews of confidence between his Majeſtie and his Parliament, (of whom the Maxime of the Law is, That a diſhonorable thing ought not to be imagined of them) yet we doubt not but it ſhall in the end appear to all the world, that our endeavours have been moſt hearty and ſincere, for the maintenance of the true Proteſtant Religion, the Kings juſt Prerogatives, the Laws and Liberties of the Land, and the Priviledges of Parliament; in which endeavours by the grace of God we will ſtill perſiſt, though we ſhould periſh in the work: which if it ſhould be, it is much to be feared, That Religion, Laws, Liberties and Parliaments, would not be long-lived after us.

Nineteen *Propoſitions* made by both Houſes of *Parliament*.

YOur Majeſties moſt humble and faithfull Subjects, the Lords and Commons in Parliament, having nothing in their thoughts and deſires more precious, and of higher eſteem (next to the honour and immediate ſervice of God) then the juſt and faithfull performance of their dutie to Your Majeſtie and this Kingdom; And being very ſenſible of the great diſtractions, and diſtempers, and of the imminent dangers and calamities which thoſe diſtractions and diſtempers are like to bring upon Your Majeſtie & Your Subjects, all which have proceeded from the ſubtill inſinuations, miſchievous practices, and evil counſels of men diſaffected to Gods true Religion, Your Majeſties honour and ſafety, and the publike peace and proſperitie of your people. After a ſerious obſervation of the cauſes of thoſe miſchiefs, do in all humility and ſincerity preſent to Your Majeſtie their moſt dutifull Petition and adviſe, that out of your Princely wiſdom for the eſtabliſhing your own honour and ſafetie, and gracious tenderneſſe of the welfare and ſecuritie of your Subjects and Dominions, you will be pleaſed to grant and accept theſe their humble deſires and propoſitions, as the moſt neceſſary effectuall means, through Gods bleſſing, of removing thoſe jealouſies and differences which have unhappily fallen betwixt you and your people, and procuring both Your Majeſtie and them a conſtant courſe of honour, peace, and happineſſe.

1. That the Lords and others of your Majeſties Privy Councell, and ſuch great Officers & Miniſters of State, either at home or beyond the Seas, may be put from your Privy Councell, and from thoſe Offices and imployments, excepting ſuch as ſhall be approved of by both Houſes of Parliament. And that the Perſons put into the places and imployments of thoſe that are removed, may be approved of by both Houſes of Parliament. And that all Privy Councellors ſhall take an Oath for the due execution of their places, in ſuch form as ſhall be agreed upon by both Houſes of Parliament.

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2. That the great affairs of this Kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn Counsellors; but that such matters as concern the publique, and are proper for the high Court of Parliament, which is your Majesties great and supreme Counsell, may be debated, resolved, and transacted onely in Parliament, and not elsewhere; And such as shall presume to do any thing to the contrary, shall be reserved to the censure and judgement of Parliament; And such other matters of State as are proper for your Majesties Privy Councell, shall be debated and concluded by such of the Nobility and others as shall from time to time be chosen for that place by approbation of both Houses of Parliament; And that no publique Act concerning the affairs of the Kingdom, which are proper for your Privy Councell, may be esteemed of any validitie as proceeding from the Royall Authoritie, unlesse it be done by the advice and consent of the major part of your Councell, assented unto by their hands. And that your Councell may be limited to a certain number, not exceeding twenty five, nor under fifteen. And if any Councellors place happen to be void in the Intervals of Parliament, it shall not be supplyed without the assent of the major part of the Councell, which choice shall be confirmed at the next sitting of the Parliament, or else to be void.

3. That the Lord high Steward of *England*, Lord high Constable, Lord Chancellour, or Lord Keeper of the great Seal, Lord Treasurer, Lord Privy Seal, Earl Marshall, Lord Admiral, Warden of the Cinque Ports, chief Governor of *Ireland*, Chauncellour of the *Exchequer*, Master of the Wards, Secretaries of State, two chief Justices and chief Baron, may alwayes be chosen with the approbation of both Houses of Parliament; And in the Intervalls of Parliament by assent of the major part of the Councell, in such manner as is before exprest in the choice of Councellors.

4. That he or they unto whom the Government and education of the Kings Children shall be committed, shall be approved of by both Houses of Parliament; and in the Intervalls of Parliaments, by the assent of the major part of the Councell, in such manner as is before exprest in the choice of Councellors; And that all such servants as are now about them, against whom both Houses shall have any just exception shall be removed.

5. That no Marriage shall be concluded, or treated for any of the Kings Children, with any forreign Prince, or other person whatsoever abroad, or at home, without the consent of Parliament, under the penaltie of a premunire unto such as shall so conclude, or treat any Marriage as aforesaid. And that the said penaltie shall not be pardoned, or dispensed with, but by the consent of both Houses of Parliament.

6. That the Laws in force against Jesuites, Priests, and Popish Recusants, be strictly put in execution, without any tolleration, or dispensation to the contrary; And that some more effectuall course may be enacted, by authoritie of Parliament, to disable them from making any disturbance in the State, or eluding the Law by trusts or otherwise.

7. That the Votes of Popish Lords in the House of Peers may be taken away, so long as they continue Papists. And that his Majestie would consent to such a

Bill shall be drawn for the education of the children of Papists by Protestants, in the Protestant Religion.

8 That your Majesty will be pleased to consent that such a reformation be made of the Church-government, and Liturgy, as both Houses of Parliament shall advise, wherein they intend to have consultations with Divines, as is expressed in their Declaration to that purpose. And that your Majestie will contribute your best assistance to them, for the raising of a sufficient maintenance for preaching Ministers through the Kingdom. And that your Majesty will be pleased to give your consent to Laws, for the taking away of innovations, and superstition, and of pluralities, and against scandalous Ministers.

9 That your Majesty will be pleased to rest satisfied with that course that the Lords and Commons have appointed for ordering the *Militia*, until the same shall be further settled by a Bill. And that your Majestie will recall your Declarations, and Proclamations against the Ordinances made by the Lords and Commons concerning the *Militia*.

10 That such Members of either House of Parliament, as have during this present Parliament been put out of any place and office, may either be restored to that place and office, or otherwise have satisfaction for the same, upon the petition of the House wherein they are Members.

11 That all Privy Councellors and Judges may take an Oath, the form whereof is to be agreed on and settled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by this Parliament, which shall be mentioned by both Houses of Parliament. And that an inquiry of all the breaches and violations of those Laws may be given in charge by the Justices of the Kings Bench every Term, and by the Judges of Assize in their Circuits, and Justices of Peace at the Sessions, to be presented and punished according to Law.

12 That all the Judges and all Officers placed by approbation of both Houses of Parliament, may hold their places *Quamdiu bene se gesserint*.

13 That the Lords in Parliament may passe upon all Delinquents, whether they be within the Kingdom or fled out of it. And that all persons cited by either House of Parliament, may appear and abide the censure of Parliament.

14 That the generall pardon offered by your Majesty may be granted with such exceptions as shall be advised by both Houses of Parliament.

15 That the Forts and Castles of this Kingdom may be put under the command and custody of such persons as your Majestie shall appoint, with the approbation of your Parliament. And in the Intervals of Parliament with the approbation of the major part of the Councell in such manner as is before expressed in the choice of Councellors.

16 That the extraordinary Guards and Military forces now attending Your Majestie, may be removed and dischargedd. And that for the future you will raise no such guards of extraordinary forces, but according to Law, in case of actuall rebellion or invasion.

17 That your Majestie will be pleased to enter into a more strict alliance with the States of the united Provinces, and other Neighbour Princes and States of the Protestant Religion, for the defence and maintenance thereof against all designes

and

and attempts of the Pope and his adherents to subvert and suppresse it, whereby your Majestie will obtain a great accesse of strength and reputation, and your subjects be much encouraged and enabled in a Parliamentary way, for your aid and assistance in restoring your royall Sister and the Princely Issue, to those dignities and dominions which belong unto them, and relieving the other distressed Protestant Princes, who have suffered in the same cause.

18. That Your Majesty will be pleased by Act of Parliament to clear the Lord *Kimbolton*, and the five Members of the House of *Commons*, in such manner, that future Parliaments may be secured from the Consequence of that evil President.

19. That Your Majesty will be graciously pleased to passe a Bill for restraining Peers made hereafter, from Sitting or Voting in Parliament; Unlesse they be admitted thereunto, with the Consent of both Houses of *Parliament*.

And these our humble desires, being granted by Your Majestie, we shall forthwith apply our selves to regulate Your present Revenue, in such sort as may be for Your best advantage; and likewise to settle such an ordinarie and constant increase of it, as shall be sufficient to support Your Royall dignity, in Honour and plentie, beyond the proportion of any former Grants of the Subjects of this Kingdom to Your Majesties Royall predecessors.

We shall likewise put the Town of *Hull*, into such hands as Your Majestie shall appoint, with the consent and approbation of *Parliament*, and deliver up a just account of all the Magazine, and chearfully employ the uttermost of our power and endeavour, in the reall expression and performance of our dutifull and Loyall affections, to the preserving, and maintaining the Royall Honour, Greatnesse, and Safety of Your Majestie, and Your posterity.

A Declaration of the Lords and Commons in PARLIAMENT, concerning His MAJESTIES Proclamation the 27. of *May*. 1642.

THe Lords and Commons having perused His Majesties Proclamation, forbidding all His Majesties Subjects, belonging to the Trained-Bands or *Militia* of this Kingdom, to rise, march, muster, or exercise by vertue of any Order or Ordinance of one, or both Houses of Parliament, without consent or Warrant from His Majestie, upon paine of punishment, according to the Laws.

Do thereupon declare, That neither the Statute of the 7. *E.* 1. therein vouched, nor any other Law of this Kingdom doth restrain, or make void the Ordinance agreed upon by both Houses of Parliament, for the ordering and disposing the *Militia* of the Kingdom in this time of extream, and imminent danger, nor expose His Majesties Subiects to any punishment, for obeying the same; Notwithstanding, That His Majesty hath refused to give His Consent to that Ordinance, but ought to be obeyed by the Fundamentall Laws of this Kingdom.

The Declaration of 7. *Ed.* the 1. Quoted in His Majesties Proclamation, runneth thus.

THe King to the Justices of his Bench sendeth greeting; Whereas of late before certain Persons deputed to treat upon sundry debates, had between Us and certain great Men of Our Realm. Among other things it was accorded, That in Our next Parliament, after Provision shall be made by Us, and the common Assent of the Prelates, Earls, and Barons, That in all Parliaments, Treaties, and other Assemblies which should be made in the Realm of England *for ever, That every Man shall come without all force and Armour, well, and peaceably to the honour of Us, and the peace of Us and Our Realm. And now in Our next Parliament at* Westminster, *after the said Treaties, the Prelates, Earls, Barons, and the Commonalty of Our Realm there Assembled, to take Advice of this businesse, have said, That to Us it belongeth, and Our part is through Our Royall Seigniory straightly to defend force of Armour, and all other force against Our Peace at all times when it shall please Us, and to punish them which shall do contrary, according to Our Laws and Usages of Our Realm.*

And hereunto they are bound to ayde Us, as their Soveraign Lord at all Seasons, when need shall be. We command you, that you cause these things to be read afore you in the said Bench, and there to be Inrolled.

Given at *Westminster* the thirtieth day of *October*.

THe occasion of this Declaration was for the restraint of Armed Men from comming to the Parliament, to disturb the Peace of it, and is very improperly alledged for the maintenance of such Leavies, as are now raised against the Parliament. The title of the Statute being thus, To all Parliaments, and Treaties, every man shall come without force and Arms, So that the Question is not, whether it belong to the King or no to restraine such force; But if the King shall refuse to discharge that Duty and Trust, Whether there is not a power in the two Houses, to provide for the safety of the Parliament, and Peace of the Kingdom, which is the end, for which the Ordinance concerning the *Militia* was made, and being agreeable to the scope and purpose of the Law, cannot in Reason be adjudged to be contrary to it; For although the Law doe affirm it to be in the King, yet it doth not exclude those, in whom the Law hath placed a power for that purpose. As in the Courts of Justice, the Sheriffs, and other Officers and Ministers of those Courts. And as their power is derived from the King by His Patents, yet cannot it be restrained by His Majesties command, by His great Seale, or otherwise, much lesse can the Power of Parliament be concluded by His Majesties command, because the Authoritie thereof is of a higher, and more eminent nature, then any of those Courts.

It is acknowledged, That the King is the Fountain of Justice, and Protection, But the Acts of Justice, and Protection, are not exercised in His own Person, nor depend upon His Pleasure, but by His Courts, and by His Ministers, who must do their Duty therein, though the King in His own Person should forbid them; And therefore, if Judgements should be given by them against the Kings Will and Person all command, yet are they the Kings Judgements.

The

The High Court of Parliament, is not onely a Court of Judicature, enabled by the Laws, to adjudge, and determine the Rights, and Liberties of the Kingdom, against such Patents, and Grants of His Majestie, as are prejudiciall thereunto; although strengthned both by his Personall command, and by his Proclamation, under the great Seal. But it is likewise a Councell to provide for the necessities, prevent the imminent dangers, and preserve the publike Peace, and safetie of the Kingdom, and to declare the Kings pleasure in those things as are requisite thereunto; and what they doe herein, hath the Stamp of Royall Authoritie, although His Majestie seduced by evill Councell, doe in His own Person, oppose, or interrupt the same. For the Kings supream Power, and Royall Pleasure, is exercised, and declared in this high Court of Law, and Councell, after a more eminent and obligatory manner, then it can be by any personall Act or Resolution of his own.

Seeing therefore, The Lords and Commons which are His Majesties great and highest Councell, have ordained, That for the present and necessary defence of the Realm, the Trained Bands, and *Militia* of this Kingdom should be ordered according to that Ordinance, And that the Town of *Hull* should be committed to the custody of Sir *John Hotham*, to be preserved from the attempts of Papists and other malignant persons, who thereby might put the Kingdom into a combustion, which is so farre from being a force against the Kings peace, that it is necessary for the keeping, and securing thereof, and for that end alone is intended; and all His Majesties loving Subjects, as well by that Law, as by other Lawes, are bound to be obedient thereunto; and what they doe therein, is (according to that Law) to be interpreted to be done in ayde of the King, in discharge of that Trust which he is tyed to perform; and it is so farre from being liable to punishment, that if they should refuse to doe it, or be perswaded by any Commission or Command of His Majestie to doe the contrary, they might justly be punished for the same, according to the Laws and Usages of the Realm: for the King, by his Soveraignty, is not enabled to destroy his people, but to protect and defend them, and the High Court of Parliament, and all other his Majesties Officers, and Ministers, ought to be subservient to that Power and Authority which the Law hath placed in His Majestie to that purpose, though He Himselfe in His own Person should neglect the same.

Wherefore the Lords and Commons doe declare the said Proclamation to be voyd in Law, and of none effect, For that by the Constitution and policy of this Kingdom, the King by His Proclamation, cannot declare the Law contrary to the Judgement, and Resolution of any of the inferiour Courts of Justice, much lesse against the High Court of Parliament; for if it were admitted, That the King by His Proclamation may declare a Law, thereby His Proclamations will in effect become Laws, which would turne to the subverting of the Law of the Land, and the Rights and Liberties of the Subjects.

And the Lords and Commons do require and command, all Constables, Petty-Constables, and all other His Majesties Officers and Subjects whatsoever, to Muster, Levy, Raise, March, and Exercise, or to Summon or Warne any upon Warrant from the Lievtenants, Deputy-Lievtenants, Captains, or other Officers of the Trained Bands, and all others, according to the said Ordinance of both Houses: and shall not presume to Muster, Levy, Raise, March, or Exercise, by vertue of

any Commission, or other Authority whatsoever, as they will answer the contrary at their perills; and in their so doing, They doe further declare, That they shall be Protected by the Power and Authoritie of both Houses of Parliament; And that whosoever shall oppose, question, or hinder them in the execution of the said Ordinance, shall be proceeded against as violaters of the Laws, and disturbers of the Peace of the Kingdom.

Nine Propositions of both Houses of Parliament, concerning the raising of Horse, Horse-men, and Armes, for the defence of the King, and both Houses of Parliament.

WHereas it appears, That the King (seduced by wicked Councell) intends to make Warre against His Parliament, and in pursuance thereof, under pretence of a Guard for His Person, hath actually begun to levy Forces both of Horse and Foot, and sent out Summons throughout the County of York, *for the calling together of greater numbers, and some ill-affected Persons have been employed in other parts, to raise Troops, under the colour of His Majesties Service, making large offers of reward and preferment to such as will come in; And that His Majesty doth with a high and forcible hand, protect and keep away Delinquents, not permitting them to make their appearance, to answer such affronts and injuries as have been by them offered unto the Parliament: & those Messengers which have been sent from the Houses for them, have been abused, beaten, and imprisoned; so as the Orders of Parliament, which is the highest Court of Iustice in this Kingdom are not obeyed, and the Authoritie of it is altogether scorned and vilified; and such persons as stand well affected to it, & declare themselves sensible of these publick calamities, and of the violations of the Priviledges of Parliament, and common Liberty of the Subject, are baffled and injured by severall sorts of malignant men who are about the King, some whereof, under the name of Cavaliers, without having respect to the Laws of the Land, or any fear either of God or man, are ready to commit all manner of outrage and violence, which must needs tend to the dissolution of this Government, the destroying of our Religion, Laws, and Liberty, and Propriety, all which will be exposed to the malice and violence of such desperate persons as must be employed in so horrid and unnaturall an act, as the overthrowing of a Parliament by force, which is the support and preservation of them: All which being duly considered by the Lords and Commons, and how great an Obligation lies upon them in Honour, Conscience, and Duty, according to the high trust reposed in them, to use all possible means in such cases, for the timely prevention of so great and irrecoverable evills, they have thought fit to publish their sence and apprehension of this imminent danger, thereby to excite all well affected persons to contribute their best assistance, according to their solemn Vow and Protestation, to*

the Preparations necessary for the opposing and suppressing of the trayterous attempts of these wicked and malignant Counsellors, who seek to engage the King in so dangerous and destructive an enterprise, and the whole Kingdom in a civill Warre, and destroy the Priledges and Being of Parliaments; This recourse to the good affections of those that tender their Religion, and just Liberties, and the Enjoyment of the blessed fruits of this present Parliament, which were almost ready to be reaped, and are now as ready to be ruined by those wicked hands; being the onely remedy left them, under God, and without which they are no longer able to preserve themselves, or those by whom they are entrusted.

1. They the said Lords and Commons do Declare, That whosoever shall bring in any proportion of ready money, or plate, or shall underwrite to furnish & maintain any number of Horse, Horsemen, and Armes, for the preservation of the publike peace, and for the defence of the King, and both Houses of Parliament from force and violence, and to uphold the Power and Priviledges of Parliament, according to his Protestation, it shall be held a good and acceptable service to the Common-wealth, and a testimony of his good affection to the Protestant Religion, the Laws, Liberties, and Peace of this Kingdom, and to the Parliament and Privledges thereof.

And becatuse a considerable ayd cannot be raised by few hands, and the condition of all mens estates and occasions, is not alwayes proportionable to their affection; The Lords and Commons do declare, That no mans affection shall be measured according to the proportion of his offer, so that he expresse his good will to this service in any proportion whatsoever.

2. And it is further declared by the Lords and Commons in Parliament, That whosoever shall bring in any Money or Plate, or shall furnish and maintaine any Horse, Horsemen, and Armes for the purposes aforesaid, shall have their money repaid, with the Interest, according to Eight pounds *per Annum*, and the full value of their plate, with consideration for the fashion, not exceeding one shilling *per* ounce, and shall have full recompence for all their charge in finding, furnishing, and maintaining of Horse, Horsemen, and Armes, and for this both Houses of Parliament doe ingage the publike Faith.

3. And it is Ordained, That Sir *John Wollaston*, Knight and Alderman, Alderman *Touse*, Alderman *Warner*, and Alderman *Andrews*, shall be the Treasurers to receive all such Money, and Plate, as shall be brought in for the purposes aforesaid. And that the Acquittances of them, or any two of them, for the Receit of the same shall be a sufficient ground for the Party so lending Money or Plate, to demand the same again with the Interest, & likewise consideration for the fashion of the Plate.

4. It is Ordered, That

shall be Commissaries to value the Horse and Arms that shall be furnished for this service; and that a signification under the hands of them, or any two of them, of such values of the Horse and Arms, and of the time when they were first brought in, shal be a Warrant to demand satisfaction according to the said values, and they shall keep an account of the time, from the first Inrolment of any such Horse and Horsemen, That such as find and maintain them, may be re-paid according to the

rate

rate of 2. s. 6. d. *per diem*, for so long time as they have maintained them in this service; And the Commissaries are to attend at *Guild-hall*, for the receiving and inrolling of such numbers of Horse as shall be brought in.

5. It is Ordered, That whosoever shall bring in Money, or Plate, or shall provide and maintain Horse, Horsemen, and Arms for this service, shall do according to their duty therein. And the Lords and Commons do engage the power and authoritie of *Parliament*, to save them harmlesse from all preiudice and inconvenience that may befall them by occasion thereof.

6. It is Ordered, That the Members of either House who are present, shall be desired to Declare in their Houses respectively, what Money or Plate they will bring in, or what Horse, Horsemen, and Arms they will find and maintain.

7. It is desired, That all such as have their residence in or about *London*, or within 80 miles, will bring in their Money, plate, or Horse, within a fortnight after notice; and they that dwell farther off, within three weeks.

8. And because every person may not be provided with present money, or with Horse, or not have his Plate with him, which he means to bring in, and yet resolves to contribute his part within the time limited, and that it is necessary it should be presently known what the provision will be, for the effecting of this great and important service; It is Ordered, That the Committees of either House, appointed for that purpose respectively, shall receive the subscriptions of such Members of each House, as have not declared themselves in the House, or are absent upon the publike service, or for their private occasions. 1. That the Committee of *London* intrusted with the *Militia*, shall receive the subscriptions in *London* and *Middlesex*. 3. That some persons nominated by the Knights and Burgesses of each Countie, and approved by both Houses, shall be appointed to receive the subscriptions in the severall Counties.

9. And lastly, it is Declared, That whatsoever is brought in, shall not at all be imployed upon any other occasion, then to the purposes aforesaid; which are, to maintain the Protestant Religion, the Kings authoritie, and His person, in His Royall Dignity, the free course of Justice, the Laws of the Land, the peace of the Kingdom, and the Priviledge of *Parliament*, against any force which shall oppose them. And this by the direction of both Houses of *Parliament*.

¶ The Oath of the Kings of ENGLAND, taken out of the *Parliament* Roll, 1 *H.* 4. *N.* 17.

The form of the Oath wont and accustomed to be taken upon their Coronation.

YOu shall keep the Church of God, the Clergy and people, intirely in peace and concord in God, according to your power.

He shall answer, I will keep them.

You shall cause equall and right justice in all your judgements and discretion, in mercy and truth, according to your power.

He shall answer, I will do it.

You shall grant just Laws and Customes to be kept, and you shall promise that those shall be protected by you, and to the honour of God to be strengthened, which the common people shall chuse, according to your power.

He shall answer, I grant and promise it.

FINIS.

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